



Senate

General Assembly

January Session, 2013

File No. 180

Senate Bill No. 314

Senate, March 27, 2013

The Committee on Children reported through SEN. BARTOLOMEO of the 13th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING SECOND PARENT ADOPTION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 45a-733 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 (a) Notwithstanding the provisions of section 45a-727, in the case of
4 a child sought to be adopted by a stepparent, or a person who shares
5 parental responsibility with the parent of such child, pursuant to
6 subdivision (3) of subsection (a) of section 45a-724, the Court of
7 Probate may waive all requirements of notice to the Commissioner of
8 Children and Families and shall waive, unless good cause is shown for
9 an investigation and report, all requirements for investigation and
10 report by the Commissioner of Children and Families or by a child-
11 placing agency. Upon receipt of the application and agreement, the
12 Court of Probate may set a day for a hearing upon the agreement and
13 shall give reasonable notice of the hearing to the parties to the
14 agreement and to the child, if over twelve years of age.

15 (b) At the hearing the court may deny the application, enter a final
16 decree approving the adoption if it is satisfied that the adoption is in
17 the best interests of the child, or, for good cause shown, order an
18 investigation by the Commissioner of Children and Families or a child-
19 placing agency.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2013</i>	45a-733
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KID *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Children & Families, Dept.	GF - Savings	less than 500	less than 500

Municipal Impact: None

Explanation

There is a savings of less than \$500 annually to the Department of Children and Families (DCF) associated with requiring the Probate Court to waive a home study requirement for a second parent adoption unless good cause is shown. Savings are associated with reduced fuel expenses. As only four second parent home studies are performed by DCF annually, on average, savings are estimated at less than \$500.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**SB 314*****AN ACT CONCERNING SECOND PARENT ADOPTION.*****SUMMARY:**

This bill requires the Probate Court to waive the home study requirement when it receives an application for a co-parent (also called second-parent) adoption, unless good cause is shown. This waiver already applies to step-parent adoptions. The bill also authorizes probate judges to exclude the Department of Children and Families (DCF) from the list of those who must be notified when there is a pending second-parent adoption.

The co-parent adoption laws are for adults who may or may not be married to one another but want to share parenting responsibilities. One of the partners must be the child's biological parent. Such adoptions cannot go forward until parental rights of the child's other parent have been legally terminated.

EFFECTIVE DATE: October 1, 2013

BACKGROUND***Home Study Requirement***

In most cases, the Probate Court must obtain and review a home study before approving an adoption. When it receives an adoption petition, in most situations, it must ask the DCF commissioner, or a child placing agency with which DCF contracts, to conduct a home study. This consists of an investigation of the child's physical and mental status and contains facts that may be relevant in determining whether the adoption is in the child's best interests. The investigator must submit a written report to the court within 60 days after he or she is assigned the case.

Second-Parent Adoptions and Rights of Co-Parents

A second parent adoption gives a co-parent full legal rights *vis a vis* the adoptive child. While these adoptions do not change the legal relationship between the two parents, they provide legal recognition and protection to both parents in relationship to their child. Because the child becomes the legal child of the co-parent, he or she may be entitled to benefits, such as health insurance and inheritance rights, that were not previously accessible. Both parents have equal access to medical and school records and if the biological parent dies, the non-biological parent retains custody. If the couple should separate or divorce, both parents have the same legal rights to petition for custody of, and visitation with, the child.

COMMITTEE ACTION

Children Committee

Joint Favorable

Yea 12 Nay 0 (03/12/2013)